



PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031  
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|  |  |   |
|--|--|---|
| Total Number of Pages in This Submission |  | Application Number<br>10/827,297- Conf. #2570 |
|  |  | Filing Date<br>April 20, 2004                 |
|  |  | First Named Inventor<br>Michael B. Zemel      |
|  |  | Art Unit<br>1616                              |
|  |  | Examiner Name<br>E.J. Webman                  |
|  |  | Attorney Docket Number<br>31894-199298        |

### ENCLOSURES (Check all that apply)

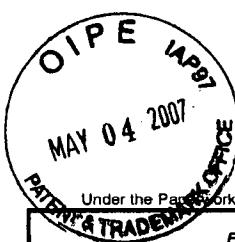
|  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form                                     | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance Communication to TC                            |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input type="checkbox"/> Amendment/Reply   | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)   | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request   | <input type="checkbox"/> Terminal Disclaimer  | <input type="checkbox"/> Other Enclosure(s) (please identify below):                    |
| <input type="checkbox"/> Express Abandonment Request   | <input type="checkbox"/> Request for Refund   |   |
| <input type="checkbox"/> <b>Information Disclosure Statement, PTO/SB/08A and 2 documents</b> | <input type="checkbox"/> CD, Number of CD(s)  |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                              | <input type="checkbox"/> Landscape Table on CD  |   |
| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application                      |   | <b>Remarks</b>  |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53                    |   |   |

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|              |               |          |        |
|--------------|---------------|----------|--------|
| Firm Name    | VENABLE LLP   |          |        |
| Signature    |               |          |        |
| Printed name | Zayd Alatheri |          |        |
| Date         | May 4, 2007   | Reg. No. | 42,256 |

DC1/241309

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /A.F./



**Effective on 12/08/2004.**  
**Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**

# **FEES TRANSMITTAL**

## **For FY 2006**

Applicant claims small entity status. See 37 CFR 1.27

|                                |                   |                     |              |
|--------------------------------|-------------------|---------------------|--------------|
| <b>TOTAL AMOUNT OF PAYMENT</b> | <b>(\\$) 0.00</b> | Attorney Docket No. | 31894-199298 |
|--------------------------------|-------------------|---------------------|--------------|

### **Complete if Known**

|                      |                          |
|----------------------|--------------------------|
| Application Number   | 10/827,297 – Conf. #2570 |
| Filing Date          | April 20, 2004           |
| First Named Inventor | Michael B. Zemel         |
| Examiner Name        | E.J. Webman              |
| Art Unit             | 1616                     |

### **METHOD OF PAYMENT** (check all that apply)

Check     Credit Card     Money Order     None     Other (please identify): \_\_\_\_\_

Deposit Account    Deposit Account Number: 22-0261    Deposit Account Name: Venable LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

|  |   |
|--|---|
| <input type="checkbox"/> Charge fee(s) indicated below   | <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee |
| <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 | <input checked="" type="checkbox"/> Credit any overpayments                       |

### **FEE CALCULATION**

#### **1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| <u>Application Type</u> | <u>FILING FEES</u> |                              | <u>SEARCH FEES</u> |                              | <u>EXAMINATION FEES</u> |                              | <u>Fees Paid (\$)</u> |
|-------------------------|--------------------|------------------------------|--------------------|------------------------------|-------------------------|------------------------------|-----------------------|
|                         | <u>Fee (\$)</u>    | <u>Small Entity Fee (\$)</u> | <u>Fee (\$)</u>    | <u>Small Entity Fee (\$)</u> | <u>Fee (\$)</u>         | <u>Small Entity Fee (\$)</u> |                       |
| Utility                 | 300                | 150                          | 500                | 250                          | 200                     | 100                          |                       |
| Design                  | 200                | 100                          | 100                | 50                           | 130                     | 65                           |                       |
| Plant                   | 200                | 100                          | 300                | 150                          | 160                     | 80                           |                       |
| Reissue                 | 300                | 150                          | 500                | 250                          | 600                     | 300                          |                       |
| Provisional             | 200                | 100                          | 0                  | 0                            | 0                       | 0                            |                       |

#### **2. EXCESS CLAIM FEES**

##### Fee Description

Each claim over 20 (including Reissues)

|                     |                 |
|---------------------|-----------------|
| <u>Small Entity</u> |                 |
| <u>Fee (\$)</u>     | <u>Fee (\$)</u> |

50      25

Each independent claim over 3 (including Reissues)

200      100

Multiple dependent claims

360      180

|                     |                     |                 |                      |
|---------------------|---------------------|-----------------|----------------------|
| <u>Total Claims</u> | <u>Extra Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
| - 34 =              | x                   | =               |                      |

##### Multiple Dependent Claims

|                 |                      |
|-----------------|----------------------|
| <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
|-----------------|----------------------|

|                      |                     |                 |                      |
|----------------------|---------------------|-----------------|----------------------|
| <u>Indep. Claims</u> | <u>Extra Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
| - 6 =                | x                   | =               |                      |

HP = highest number of total claims paid for, if greater than 20.

HP = highest number of independent claims paid for, if greater than 3.

|                     |                     |   |                 |                      |
|---------------------|---------------------|---|-----------------|----------------------|
| <u>Total Sheets</u> | <u>Extra Sheets</u> | <u>Number of each additional 50 or fraction thereof</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
| - 100 =             | /50                 | (round up to a whole number) x                          | =               |                      |

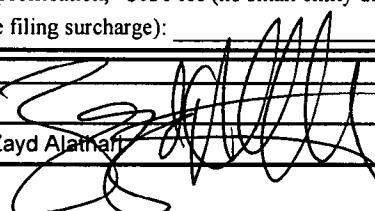
Fees Paid (\$)

#### **4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): \_\_\_\_\_

##### **SUBMITTED BY**

|                   |   |                                      |        |           |                |
|-------------------|---|--------------------------------------|--------|-----------|----------------|
| Signature         |  | Registration No.<br>(Attorney/Agent) | 42,256 | Telephone | (202) 344-8164 |
| Name (Print/Type) | Zayd Alathaff   |                                      |        | Date      | May 4, 2007    |

DC1/241310

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /A.F./



Docket No.: 31894-199298  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Zemel et al.

Art Unit: 1616

Application No: 10/827,297

Examiner: E. J. WEBMAN

Confirmation No: 2570

Filed: April 20, 2004

Atty. Docket No: 31894-199298

For: DIETARY PLANS BASED ON CALCIUM

Customer No:

**\*26694\***

**26694**

PATENT TRADEMARK OFFICE

**INFORMATION DISCLOSURE STATEMENT (IDS)**

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the first office action (37 CFR 1.97(b)(3)). Applicant(s) hereby petition(s) that the Information Disclosure Statement be considered.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /A.F./

In accordance with 37 CFR 1.98(a)(2)(ii), Applicant has not submitted copies of U.S. patents and U.S. patent applications. Applicant submits herewith copies of non-patent literature in accordance with 37 CFR 1.98(a)(2).

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

We believe that no fees are required with the submission of this IDS. However, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 22-0261, under Order No. 31894-202097.

Dated: May 4, 2007

DCI/241076

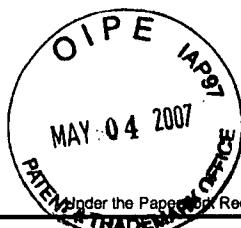
Respectfully submitted,

By \_\_\_\_\_  
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PTO/SB/08A/B (09-06)  
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|                              |   |    |   |  |                  |
|------------------------------|---|----|---|--|------------------|
| Substitute for form 1449/PTO |   |    |   | <b>Complete if Known</b>                   |                  |
|                              |   |    |   | Application Number                         | 10/827,297       |
|                              |   |    |   | Filing Date                                | April 20, 2004   |
|                              |   |    |   | First Named Inventor                       | Michael ZEMEL    |
|                              |   |    |   | Art Unit                                   | 1617             |
|                              |   |    |   | Examiner Name                              | Not Yet Assigned |
| Sheet                        | 1 | of | 1 | Attorney Docket Number <b>31894-199298</b> |                  |

| <b>U.S. PATENT DOCUMENTS</b> |                       |  |                                |  |   |
|------------------------------|-----------------------|--|--------------------------------|--|---|
| Examiner Initials*           | Cite No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                              |                       | Number-Kind Code <sup>2</sup> (if known) |                                |  |   |
| AA                           | U.S. 6,013,622        |  | Bruno et al.                   |  |   |
| AB                           | U.S. 4,237,118        |  | Howard                         |  |   |
| AC                           | U.S. 6,716,810        |  | Brennan et al.                 |  |   |
| AD                           | U.S. 4,027,043        | 3/31/77                                  | Schroeder et al.               |  |   |
| AE                           | U.S. 4,784,871        | 11/15/88                                 | Park                           |  |   |
| AF                           | U.S. 6,403,657        | 6/11/02                                  | Hinz                           |  |   |
| AG                           | U.S. 5,158,310        | 10/27/92                                 | Tannehill et al.               |  |   |
| AH                           | U.S. 6,159,530        | 12/12/00                                 | Christiansen et al.            |  |   |
| AI                           | U.S. 5,698,222        | 12/16/97                                 | Mazer et al.                   |  |   |

| <b>FOREIGN PATENT DOCUMENTS</b> |                       |   |                                |  |   |
|---------------------------------|-----------------------|---|--------------------------------|--|---|
| Examiner Initials*              | Cite No. <sup>1</sup> | Foreign Patent Document   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>or Relevant Figures Appear |
|                                 |                       | Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) |                                |  |   |
|                                 |                       |   |                                |  | T <sup>6</sup>  |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

| <b>NON PATENT LITERATURE DOCUMENTS</b> |                       |   |  |  |                |
|--|-----------------------|---|--|--|----------------|
| Examiner Initials                      | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. |  |  | T <sup>2</sup> |
|  | CA                    | HIRSCH, "Got Milk? Getting Thinner?", <i>Express</i> , Tuesday, 19 July 2005, page 10.  |  |  |                |
|  | CB                    | HERDICK et al., "Carboxylic Ester Antagonists of 1 $\alpha$ ,25-dihydroxyvitamin D <sub>3</sub> Show Cell-Specific Actions" (Research Paper XP-001069553), <i>Chemistry &amp; Biology</i> 2000, Vol.7 No.11, pp. 885-894.                                       |  |  |                |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.  
DC1/241108

|                    |                  |                 |            |
|--------------------|------------------|-----------------|------------|
| Examiner Signature | /Abigail Fisher/ | Date Considered | 07/30/2008 |
|--------------------|------------------|-----------------|------------|

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /A.F./